

THE INTERIM

JUNE 2003

HELENA, MONTANA

VOL. XIV NO. 1

THE INTERIM NEWSLETTER

Publication Resumes...Publication of **THE INTERIM** resumes with this issue and continues each month through December 2004. The monthly newsletter reports on the activities of legislative committees, including the Legislative Council, the Environmental Quality Council, the Legislative Finance Committee, the Legislative Audit Committee, and legislative interim committees staffed by the Legislative Services Division. These committees include the:

- (1) Economic Affairs Committee;
- (2) Education and Local Government Committee;
- (3) Children, Families, Health, and Human Services Committee;
- (4) Law and Justice Committee;
- (5) Energy and Telecommunications Committee;
- (6) Revenue and Transportation Committee;
- (7) State Administration and Veterans' Affairs Committee; and
- (8) State-Tribal Relations Committee.

Elsewhere in this issue (beginning on pg. 10) is a listing of the membership of the committees described above as well as the legislative membership of other committees, councils, boards, and panels on which legislators serve.

A regular feature of the newsletter is **The Back Page** which presents an in-depth analysis each month on a topic of importance to Montanans, such as public education, televised coverage of the Legislature, taxation and budgeting, health care, economic development, electric utility restructuring, and natural resources. Occasionally, articles will stray from purely public policy issues to the professional interests of staff and other themes.

A calendar of events is provided in each issue. Dates for committee meetings are not always firm because interim committees sometimes have to change dates because of unforeseen circumstances. Committees are urged to plan carefully to minimize confusion caused by changing meeting dates.

Members of the Legislature, elected officials, and state department heads receive copies of the newsletter. **THE INTERIM** is also available to the public. The subscription cost is \$1 an issue or \$19 for the 19 issues that will appear between June 2003 and December 2004. Subscriptions may be ordered from the Legislative Services Division by calling (406) 444-3064 or by writing to PO Box 201711, Helena, MT, 59620-1711. The newsletter is also available on the legislative branch website at <http://www.leg.mt.gov/css/default.asp> by clicking on "Publications" and following the links to the interim newsletter.

If you have any questions, comments, or suggestions regarding **THE INTERIM**, please contact Jeff Martin at (406) 444-3595 or by e-mail at jmartin@mt.gov.

LEGISLATOR CLAIMS FOR REIMBURSEMENT RELATED TO INTERIM ACTIVITIES

Reimbursement for Interim Activities...The following information is provided to answer your questions about payment of salary and reimbursement of expenses for interim activities. If you still have questions after reading the information, you can contact the Legislative Services Division financial services office (Karen Berger at (406) 444-3411 or Debbie Bunker at 444-3201).

Generally, legislators should use the mode of travel that provides the lowest overall cost to the state. Make your lodging reservations early to obtain state-rate rooms and ALWAYS request state employee rates. If you use commercial air, make reservations early to obtain discounted rates and try to avoid costly schedule changes.

Statutory Provisions...Section 5-2-302, MCA, provides that "[when] the legislature is not in session, a member of the legislature, while engaged in legislative business with prior authorization of the appropriate funding authority, is entitled to:

- (1) a mileage allowance as provided in 2-18-503;
- (2) expenses as provided in 2-18-501 and 2-18-502; and

(3) a salary equal to one full day's pay at the rate of a classified state employee, described in 5-2-301(1) for each 24-hour period of time (from midnight to midnight), or portion thereof, spent away from home on authorized legislative business. However, if time spent for business other than authorized legislative business results in lengthening a legislator's stay away from home into an additional 24-hour period, [the legislator] may not be compensated for the additional day."

The table below shows the reimbursement rates in effect for the 2003-04 interim.

| REIMBURSEMENT RATES--2003-04 INTERIM | |
|---|---|
| In-state meals (receipt is NOT required) | Breakfast \$5 Lunch \$6 Dinner \$12 |
| Mileage (receipt is NOT required) | Usually \$0.36/mile for first 1,000 miles each month and \$0.33/mile thereafter |
| Lodging May 15, 2003, thru Oct. 14, 2003 (receipt IS required) | \$55/day (current federal standard rate), plus lodging taxes, total \$58.85 |
| Lodging Oct. 15, 2003, thru May 14, 2004 (receipt IS required) | \$35/day day, plus lodging taxes, total \$37.45 |
| Lodging without a receipt (e.g. you stay with family or friends) | \$12/day regardless of date |

Guidelines for Evaluating Reasonableness of Claims...The following guidelines are used to determine if time spent away from home reasonably falls within the context of authorized legislative business:

- Overnight lodging is reasonable when a legislator would have to leave home earlier than 6:30 a.m. or arrive home later than 9:30 p.m. in order to attend all of the meeting or conduct all of the authorized legislative business. To determine whether overnight lodging would be required, an average travel speed (including incidental stops) of 50 miles an hour is used.
- A legislator is entitled to a day's salary when necessarily away from home for authorized legislative business. A member is considered necessarily away from home on the day of a meeting or other authorized legislative activity and on any other day when travel qualified under the first item above is required.
- A meal falling within reasonable travel times may be claimed.

The following mitigating factors will be applied in interpreting the above guidelines:

- The welfare of a legislator must be considered. Weather and health issues are key considerations.
- If a member flies instead of drives, variations are considered.
- At times, a legislator may choose more expensive modes of travel because of schedule conflicts that would make it otherwise impossible to participate in authorized legislative business. Such cases will be considered in establishing reasonableness.

Reimbursement for Legislators Who Live in Helena...A legislator who lives in Helena and attends an interim committee meeting in Helena is not entitled to mileage or lodging reimbursement. However, the legislator is entitled to a midday meal

allowance on the day of the meeting regardless of the proximity of the meeting place to the individual's residence. In addition, the legislator may claim salary in the same manner as all other legislators.

Submission of Claims...To receive payment of salary and reimbursement of expenses for interim legislative work, a legislator must complete and sign a "Statement of Expense for Montana Legislators". Forms are available from committee secretaries and from the Legislative Services Division financial office, Room 154 in the Capitol.

The legislator must return the claim to the committee secretary or to the Legislative Services Division financial office, accompanied by original receipts as noted on the claim form. The legislator should clearly note the number of days of salary, lodging, and meals claimed. The claim should be completed and signed in ink. If special circumstances apply to the claim, those should be noted.

Claims will be processed as quickly as possible. The salary portion of the claim will be paid with the next biweekly state payroll cycle. Warrants for expenses, not including salary, will be issued within three working days of receipt of the claim in the financial office. This means that you will usually receive two state warrants for each claim you submit, one for the expenses and one for salary. Claim forms that are incomplete or that do not include required receipts may be returned to the legislator for completion. In such cases, the claims processing period may be extended.

LEGISLATIVE AUDIT COMMITTEE

The Legislative Audit Committee will meet Tuesday, June 17, at 11 a.m. in Room 137 of the state Capitol. Although a final agenda has not been set, audit reports anticipated to be presented include:

- Financial-compliance audits:
 - ? Department of Justice for the fiscal year ended June 30, 2002; and
 - ? Department of Administration for the fiscal year ended June 30, 2002.
- Performance audits:
 - ? Nursing Home Surveys, Certification Bureau, Quality Assurance Division, 01P-13;
 - ? Noxious Weed Management on State Lands, 02P-12;
 - ? Highway and Bridge Construction Contract Claims Process, Montana Department of Transportation, 02P-11; and
 - ? Sex Offender Registration, 03P-05.

LEGISLATIVE FINANCE COMMITTEE

Committee to Meet June 20...The Legislative Finance Committee (LFC) will meet on Friday, June 20 at 9 a.m. in Room 102 of the state Capitol. An agenda for the meeting can be found at <http://leg.mt.gov/css/fiscal> on the Legislative Fiscal Division (LFD) website. The agenda for the meeting, which is primarily organizational, is expected to include:

- The election of committee officers
- An orientation of the role and authority of the committee and the role of the Legislative Fiscal Analyst and staff
- An orientation concerning LFC oversight of information technology management
- A discussion of a proposed Legislative Fiscal Division work plan for the 2003-04 interim
- A presentation of *The Legislative Fiscal Report: 2005 Biennium*

Duties of the Committee and Membership...The Legislative Finance Committee is a permanent, bipartisan committee of the Legislature. It monitors fiscal activities of state government that occur while the Legislature is not in session and directs the budget analysis and research activities of the Legislative Fiscal Analyst. In addition, legislation enacted in the 2001 session gave the LFC responsibility for oversight of the information technology policies of the state. The 12-member committee includes seven returning members and five new members. The House members are Reps. John Brueggeman, Rosie Buzzas, Gary Forrester, Dave Lewis, Monica Lindeen, and Dave Kasten. The Senate members are Sens. Keith Bales, Rick Liabe, Emily Stonington, Jon Tester, Joe Tropila, and Tom Zook. The committee is expected to meet six or seven times during the interim. For further information, check out the LFD website or contact Clayton Schenck at cschenck@mt.gov or at (406) 444-2986.

Fiscal Report Available in June...*The Legislative Fiscal Report: 2005 Biennium* will be presented at the June meeting. This 1,300-page report provides detailed analyses of the Legislature's fiscal actions during the 2003 session and describes agency budgets approved by the Legislature. The report includes four volumes:

Volume 1: Statewide Perspectives (budget overview)
Volume 2: Revenue Estimates
Volumes 3 & 4: Agency Budgets

Regardless of an individual's desired level of detail regarding state fiscal matters, this publication is an excellent source of information for legislators, state agencies, and the public. It will be a reference source for fiscal data for years to come. The report is printed for distribution and is also available on the LFD website.

REVENUE AND TRANSPORTATION COMMITTEE

Organizational Meeting Scheduled for June 20...The Revenue and Transportation Committee is meeting June 20. The committee will join the Legislative Finance Committee at 9 a.m. in Room 102 of the Capitol to hear the fiscal analyst's fiscal report of legislative action affecting the 2005 biennium. Following the presentation, the committee will reconvene in Room 137 to elect officers, review a draft work plan, and adopt a meeting schedule for the rest of the interim. An agenda for the meeting will be available early in June.

Study of Valuation of Electrical Generation and Utility Property...The Legislative Council assigned the SJR 29 study of the appraisal of centrally assessed property to the Revenue and Transportation Committee. The primary purpose of the study is to examine the Department of Revenue's method for appraising electrical generation property for property tax purposes and to analyze whether appraisal methods differ among regulated utilities, wholesale generators, and other centrally assessed properties.

Want to be in the Loop?...Anyone who was not on the committee's mailing list last interim and would like to be may contact committee staff. Individuals on the mailing list will receive meeting notices and agendas. To be included on the mailing list or for more information about the committee, please contact Jeff Martin at (406) 444-3595 (or by e-mail at jmartin@mt.gov) or Leanne Kurtz at (406) 444-3593 (or by e-mail at lkurtz@mt.gov). Lee Heiman is the staff attorney and may be reached at (406) 444-4022 (or by e-mail at lheiman@mt.gov).

ENERGY AND TELECOMMUNICATIONS COMMITTEE

New Interim Committee Created...House Bill 509, enacted during the 2003 legislative session, revised the electric utility restructuring laws. The legislation eliminated the Transition Advisory Committee on Electric Utility Restructuring and created the Energy and Telecommunications Interim Committee. In addition to having responsibility for looking at policy issues related to energy and telecommunications, the new committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the Public Service Commission and the entities attached to the commission for administrative purposes. Members of the new committee are listed below.

Senators:

Fred Thomas
Royal Johnson
Don Ryan
Emily Stonington

Representatives:

Alan Olson
Dan Fuchs
Gary Matthews
Dave Gallik

First Meeting in June. . . The first meeting of the committee will be June 13 at 10 a.m. in Room 102 of the State Capitol. Representatives of the Public Service Commission, NorthWestern Energy, and the Northwest Power Planning Council will present their perspectives on key energy and telecommunications policy issues for the interim. The committee will elect officers and begin development of a work plan.

Want to Know More? . . Contact Mary Vandembosch at (406) 444-5367 or mvandembosch@mt.gov. The committee's website is expected to be available in June. Go to <<http://leg.mt.gov/css/default.asp>>, click on "Interims," then click on "2003-2004." The Energy and Telecommunications Interim Committee is listed under "Statutory Interim Committees."

ECONOMIC AFFAIRS COMMITTEE

First Meeting June 11...Workers' compensation issues and economic development will be key themes at the first meeting of the Economic Affairs Committee, scheduled for June 11, at 9:30 a.m. in Room 137 of the Capitol. Joining Rep. Joe McKenney and Sen. Glenn Roush, who served on the committee last interim, are Sen. Sherm Anderson, Sen. Jeff Mangan, Sen. Mike Taylor, Rep. Nancy Rice-Fritz, Rep. Jim Keane, and Rep. Scott Mendenhall. Sen. Taylor, senior senator on the committee, has set an agenda that includes presentations from the Governor's Office of Economic Development and the Montana State Fund. Although not included as one of the agencies monitored by the Economic Affairs Committee under 5-5-223, MCA, the State Fund has reported to the committee for the past two interims in large part because of workers' compensation studies assigned to the committee.

The committee is responsible for monitoring the Departments of Agriculture, Commerce, Labor and Industry, and Livestock, as well as the State Auditor and Insurance Commissioner and the Governor's Office of Economic Development. These state agencies are involved with a broad range of economic activity in the state. The committee will discuss how it intends to review the rulemaking activities of the state agencies assigned to it. The committee will establish a schedule for hearing about projects and relevant activities of these agencies. The committee will also elect officers and set a meeting schedule for the rest of the interim.

Legislative Council Assigns Work Comp Simplification Study...At its May 22 meeting, the Legislative Council assigned the SJR 17 study of the simplification of Montana's workers' compensation laws to the committee. The resolution, introduced by Sen. Jon Tester, noted that frequent changes to workers' compensation statutes have created a patchwork of laws that causes confusion for employers, employees, and independent contractors. The committee will determine which sections of workers' compensation laws that are most in need of simplification and develop appropriate strategies for simplification in consultation with affected employers, employees,

regulatory authorities, and attorneys involved in workers' compensation claims. Preliminary work plans for the study will be discussed at the first meeting.

The committee may also establish a liaison with each of two other study committees. Senate Bill 270 requires the Department of Labor to appoint an advisory committee to study issues related to the exemptions of independent contractors from coverage under workers' compensation laws. Senate Bill 304 established a committee to study the role of the State Fund (workers' compensation) and determine the feasibility of selling the assets and liabilities of the State Fund and creating an assigned risk pool.

Contact Committee Staff...If you would like to be notified about the activities of the Economic Affairs Committee, contact Pat Murdo, committee staff, at (406) 444-9280 or e-mail her at pmurdo@mt.gov. The committee's staff attorney is Bart Campbell. Eddy McClure will provide assistance on legal issues related to workers' compensation. The Committee's website will have updated information as available at: http://leg.mt.gov/css/committees/interim/2003_2004 under the "Economic Affairs Interim Committee" heading.

ENVIRONMENTAL QUALITY COUNCIL

Council to Hold 2-Day Meeting...The Environmental Quality Council (EQC) will hold its first meeting of the 2003-04 interim in Helena on Monday and Tuesday, June 16 and 17. The EQC is a bipartisan statutory committee of 12 legislators, 4 public members, and a non-voting representative of the Governor's office. The EQC provides legislative oversight for the development and implementation of state environmental policies concerning natural resource development and conservation and the protection and improvement of the human environment.

At its June meeting, the EQC will elect officers and prioritize its work for the interim after reviewing draft work plan options developed by staff. The Legislative Council has requested that the EQC conduct several water-related studies contained in resolutions adopted by the 2003 Legislature. They include a study of water storage, conservation, and utilization in Montana; a study of the water quality impacts from the Zortman and Landusky mine sites southwest of Malta; a study of water quantity and distribution agreements established by the Yellowstone River Compact; and a study of how the increase in the number of privately constructed recreation ponds may impact water rights in Montana.

The draft meeting agenda and additional information about the Environmental Quality Council is available on the EQC website at <http://www.leg.mt.gov/css/lepo>, by calling (406) 444-3742, or by e-mailing mtheisen@mt.gov.

LEGISLATIVE COUNCIL

Legislative Council Assigns Interim Studies...The primary focus of the Legislative Council meeting on May 22 was the assignment of interim studies to permanent and interim committees. (See **The Back Page** of this issue for details.) The council also appointed legislators to committees of the National Conference of State Legislatures and Council of State Governments - West based on recommendations made by House and Senate leadership. In other action, the council:

- consulted with the Department of Natural Resources and Conservation on two proposed property transfers (i.e., City of Whitefish waterline easement and Virginia City wastewater easement);
- approved operating budgets for the Legislative Services Division and Interim Committees and Activities Program for FY 2004 and FY 2005;
- approved prices for the Montana Code Annotated and several session publications;
- received an update on Television Montana (TVMT) activities; and
- reviewed the status of state revenue collections and recent federal action on financial assistance to the states presented by Legislative Fiscal Division staff.

Next Meeting Scheduled for September...The Legislative Council will meet Sept. 15 and 16 for a business meeting and planning session. If you have any questions about Legislative Council activities, please call Lois Menzies at (406) 444-3066 or send an e-mail to lomenzies@mt.gov.

LEGISLATIVE REFERENCE CENTER

Over 400 Periodical Titles Available...Legislators, if you would like to stay up-to-date on the latest issues facing legislatures nationwide or just stay current in a particular field of interest to you, check out the complete list of periodicals received by the Legislative Reference Center at <http://www.leg.mt.gov/css/research/library/libserialtitles.asp>. Tell us which periodicals you're interested in, and we will send you a table of contents from these journals during the interim. If you spy an article you would like to see the full text, let us know, and we'll send it your way. It's as simple as that. Please contact Legislative Librarian, Lisa Mecklenberg Jackson, at ljackson@mt.gov for questions or to sign up for this program.

And don't forget the Legislative Reference Center is here to help you during the interim. If you need some research done, a hidden fact unearthed, or some random statistic nailed down, please feel free to contact us. We'd be delighted to help you. Call (406) 444-3598 or e-mail ljackson@mt.gov.

INTERIM COMMITTEE ASSIGNMENTS

House and Senate Appoint Members to Interim Committees...

LEGISLATIVE COUNCIL

Rep. Roy Brown
Rep. Kim Gillan
Rep. George Golie
Sen. Vicki Cocchiarella
Sen. Brent Cromley
Sen. Duane Grimes

Rep. Jeff Laszloffy
Rep. Doug Mood
Rep. Dave Wanzenried
Sen. Bob Keenan
Sen. Jon Tester
Sen. Fred Thomas

LEGISLATIVE FINANCE COMMITTEE

Rep. John Brueggeman
Rep. Rosie Buzzas
Rep. Gary Forrester
Sen. Keith Bales
Sen. Rick Laible
Sen. Jon Tester

Rep. Dave Kasten
Rep. Dave Lewis
Rep. Monica Lindeen
Sen. Joe Tropila
Sen. Emily Stonington
Sen. Tom Zook

LEGISLATIVE AUDIT COMMITTEE

Rep. Dee Brown
Rep. Tim Callahan
Rep. Hal Jacobson
Sen. John Cobb
Sen. Mike Cooney
Sen. Jim Elliott

Rep. John Musgrove
Rep. Jeff Pattison
Rep. Rick Ripley
Sen. John Esp
Sen. Dan Harrington
Sen. Cory Stapleton

CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES COMMITTEE

Rep. Edith Clark
Rep. Don Roberts
Sen. John Esp
Sen. Jerry O'Neil

Rep. Eve Franklin
Rep. Carol Gibson
Sen. Gerald Pease
Sen. Trudi Schmidt

ECONOMIC AFFAIRS COMMITTEE

Rep. Joe McKenney
Rep. Scott Mendenhall
Sen. Sherm Anderson
Sen. Jeff Mangan

Rep. Jim Keane
Rep. Nancy Rice-Fritz
Sen. Mike Taylor
Sen. Glenn Roush

EDUCATION AND LOCAL GOVERNMENT COMMITTEE

Rep. Verdell Jackson
Rep. Joan Andersen
Rep. Larry Lehman

Rep. Sue Dickenson
Rep. Tom Facey
Rep. Norman Ballantyne

Sen. Rick Laible
Sen. Gregory Barkus
Sen. Don Ryan

Sen. Bill Glaser
Sen. Jeff Mangan
Sen. Debbie Shea

ENERGY AND TELECOMMUNICATIONS COMMITTEE

Rep. Alan Olson
Rep. Dan Fuchs
Sen. Fred Thomas
Sen. Don Ryan

Rep. Gary Matthews
Rep. Dave Gallik
Sen. Royal Johnson
Sen. Emily Stonington

ENVIRONMENTAL QUALITY COUNCIL

Rep. Debby Barrett
Rep. Chris Harris
Rep. Norma Bixby
Sen. Dan McGee
Sen. Walter McNutt
Sen. Ken Toole
Howard Strause
Julia Page

Rep. Paul Clark
Rep. Don Hedges
Rep. Jim Peterson
Sen. Bob Story
Sen. Jon Tester
Sen. Glenn Roush
Tom Ebzery
Ellen Porter

LAW AND JUSTICE COMMITTEE

Rep. Jim Shockley
Rep. Diane Rice
Rep. Michael Lange
Sen. Duane Grimes
Sen. Dan McGee
Sen. Brent Cromley

Rep. Frank Smith
Rep. John Parker
Rep. Gail Gutsche
Sen. Gary Perry
Sen. Gerald Pease
Sen. Mike Wheat

REVENUE AND TRANSPORTATION COMMITTEE

Rep. Ron Devlin
Rep. Joe Balyeat
Rep. Karl Waitschies
Sen. Gregory Barkus
Sen. Bob Story
Sen. Ken Toole

Rep. Eileen Carney
Rep. Bill Wilson
Rep. Christine Kaufmann
Sen. Jerry Black
Sen. Jon Ellingson
Sen. Vicki Cocchiarella

STATE ADMINISTRATION AND VETERANS' AFFAIRS COMMITTEE

Rep. Stanley Fisher
Rep. Bernie Olson
Sen. Kelly Gebhardt
Sen. Mike Wheat

Rep. Ralph Lenhart
Rep. Larry Jent
Sen. Keith Bales
Sen. Joe Tropila

STATE-TRIBAL RELATIONS COMMITTEE

Rep. Rick Ripley
Rep. Bruce Malcolm
Sen. Edward Butcher
Sen. Carolyn Squires

Rep. Jonathan Windy Boy
Rep. Carol Juneau
Sen. John Bohlinger
Sen. Ken Hansen

LEGISLATIVE CONSUMER COMMITTEE

Rep. Gary Matthews
Sen. Walter McNutt

Rep. Alan Olson
Sen. Debbie Shea

LEGISLATIVE COMPUTER PLANNING COUNCIL

Rep. John Brueggeman
Marilyn Miller

Rosana Skelton
Chuckie Cramer

LEGISLATIVE COUNCIL ON RIVER GOVERNANCE

Rep. Steve Gallus
Sen. Bill Tash

Rep. Stanley Fisher
Sen. Bea McCarthy

DRINKING WATER REVOLVING FUND LOAN PROGRAM

Rep. Rick Maedje

Sen. Linda Nelson

ECONOMIC DEVELOPMENT ADVISORY COUNCIL

Rep. John Sinrud
Sen. Mike Sprague

Rep. Brennan Ryan
Sen. Don Ryan

ELECTRONIC GOVERNMENT ADVISORY COUNCIL

Rep. Bob Lake

Sen. John Bohlinger

FUTURE FISHERIES REVIEW PANEL

Rep. George Everett

Sen. Mike Taylor

GAMING ADVISORY COUNCIL

Rep. John Witt

Sen. Dale Mahlum

INFORMATION TECHNOLOGY BOARD

Rep. Jack Ross

Sen. Cory Stapleton

LEGISLATIVE OVERSIGHT COMMITTEE ON MONTANA-ARCO LITIGATION

Rep. Dick Haines
Sen. Sherm Anderson

Rep. Brad Newman
Sen. Debbie Shea

MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION

Rep. Ron Stoker

Sen. Dale Mahlum

PACIFIC NORTHWEST ECONOMIC REGION

Rep. Dan Hurwitz
Sen. Glenn Roush

Rep. Kim Gillan
Sen. Aubyn Curtiss

RESERVED WATER RIGHTS COMPACT COMMISSION

Rep. Cindy Younkin
Sen. Bea McCarthy

Rep. Gary Forrester
Sen. Bill Tash

WORKFORCE INVESTMENT BOARD

Rep. Donald Steinbeisser
Sen. Vicki Cocchiarella

Rep. Arlene Becker
Sen. Gary Perry

PROPERTY TAX EXEMPTION STUDY COMMITTEE¹

Rep. Pat Wagman
Sen. Walter McNutt

Rep. Gary Branae
Sen. Jeff Mangan

PROPERTY TAX REAPPRAISAL STUDY COMMITTEE²

Rep. Rod Bitney
Rep. Larry Cyr
Senate appointments pending

Rep. Gary Branae
Rep. Ron Devlin

TAX REFORM STUDY COMMITTEE³

Rep. Jill Cohenour
Rep. Bob Lake
Senate appointments pending

Rep. Eileen Carney
Rep. Jim Peterson

STATE FUND STUDY COMMITTEE⁴

Rep. Dave Lewis
Sen. Royal Johnson

Rep. Bob Bergren
Sen. Bea McCarthy

¹Attached to the Department of Revenue for administrative purposes (See HB 429)

²Attached to the Department of Revenue for administrative purposes (See SB 461)

³Attached to the Department of Revenue for administrative purposes (See SB 461)

⁴The State Fund is responsible for providing support functions (See SB 304)

THE BACK PAGE

AN OVERVIEW OF 2003-04 INTERIM STUDIES AND ACTIVITIES

by Dave Bohyer, LSD Research Director

INTRODUCTION

The Legislative Services Division (LSD) is required by statute to poll all legislators to ascertain the relative priority of each study requested by the Legislature. The poll is to be conducted "immediately" following adjournment sine die and the results of the poll are to be considered by the Legislative Council, which has the statutory duty to assign the study requests to the various legislative committees that function during the interim between regular legislative sessions. This **Back Page** article describes the poll of the 58th Legislature and its results and actions taken by the Legislative Council on May 22, 2003, to assign the various studies.

THE INTERIM STUDY POLL

The LSD mailed the poll on April 28, 2003, the first business day following adjournment sine die of the 58th Legislature. There were 13 studies included in the poll. A return date of May 7, 2003, was set, primarily to accommodate the demands of the interim workload. The LSD staff compiled data from the poll ballots through May 15 and reported the results to the Legislative Council on May 22.

RESULTS OF THE POLL

Of the 150 ballots sent out, 117 were returned for a participation rate of 78%. The voting method used to conduct the poll was the Borda method, a method by which each study could be ranked, with a ranking of "1" being the highest and a ranking of "13" being the lowest. Points were then assigned in reverse order, with a study ranked as "1" receiving 13 points and a study ranked as "13" receiving 1 point and the same method applied to rankings in between. (This is the same method used by media organizations to rank intercollegiate sports teams throughout the country.) The average number of points received by the studies was 754 points. The highest ranked study, SJR 32, received 938 points. At the other end of the scale, SJR 13, received 520 points. Of the 13 studies in the poll, seven received more than the average number of points. The median number of points received was 835 (SJR 29), or six studies received more points and six studies received fewer.

FINDINGS ABOUT THE POLL

Slightly more than 3 out of 4 legislators (78%) responded to the 2003 poll, compared to about 4 of 5 legislators (84%) in 2001.

The subject of "water" was prevalent among the study requests. At least four of the studies requested have a theme of water quality, water quantity, or water use.

For the first time in about 20 years, there were no studies assigned by bill this session to a legislative interim or statutory committee. However, there are at least four study committees on which legislators are members that will be supported by executive branch agencies. The Property Reappraisal Study Committee (SB 461), the Tax Reform Study Committee (SB 461), and the Property Tax Exemption Study Committee (HB 429) will be supported by the Department of Revenue. The arrangement for the property reappraisal committee --the executive branch directly staffing a legislative committee-- is different, if not unique, from Montana traditions. A study on the feasibility of selling State Fund assets (SB 304) will be supported by the State Fund and the executive branch.

LSD STAFF RECOMMENDATIONS

The LSD staff presented recommendations to the Legislative Council regarding the assignment of interim studies. Three factors guided the staff recommendations:

- the results/rankings of the poll;
- resource availability -- committee and staff time and appropriations; and
- balancing time commitment and work loads among committees.

Because the Legislative Council has the responsibility to assign interim studies, the staff recommendations are simply that: recommendations. Nevertheless, they are influenced by a number of other considerations that should not be ignored. Some of those considerations include:

- All interim studies are not created equal. Some have considerable breadth, depth, and complexity, while others are narrow and focused. Thus, Study B is not necessarily equally balanced with or interchangeable with Study A.
- The workload of interim committees is not equal. Some have more extensive statutory duties and broader jurisdictions than others. Some have more members than others. Some are more likely to create subcommittees that function much the same as full committees in terms of staff time and committee member effort.
- Interim studies are only part of what interim committees do during the interim. Each committee has a laundry list of statutory duties, including agency monitoring and administrative rule review.

Each interim committee has the statutory authority to examine issues within its purview, which extends far beyond interim studies assigned. Staff experience suggests that each committee will exercise that authority to a greater or lesser extent. The issues that might arise or the level of involvement cannot be foreseen, but there is a history that these types of projects are likely to occur. Resources -- staff time, committee time, and funding -- are all limited.

The staff recommended that all 13 of the studies requested by joint resolution be assigned and conducted during the interim.

LEGISLATIVE COUNCIL ACTION

The Legislative Council invited the chief sponsor of each interim study to discuss the rationale requesting and the merits and advisability of assigning the study. Two sponsors, Sen. Tash (SJR 41) and Sen. Toole (SJR 13), testified in person. Written testimony was received from Rep. Noennig (HJR 37). Several other sponsors, both primary and co-sponsors, contacted individual members of the Legislative Council prior to the May 22 meeting.

After hearing from the study sponsors and from LSD staff regarding recommendations, the Legislative Council made the assignments shown in the table below. The 8th ranked study, the HJR 43 study of Zortman/Landusky mines, is narrowly focused, and considerable work on the topic has been completed by the Department Environmental Quality and others. Consequently, a staff "white paper" will be developed to conduct the initial phases of the study, subject to review and comment by the EQC, and EQC recommendations, if any.

PREVIEW OF INTERIM ACTIVITIES

The 2003-04 interim is just beginning to take shape. None of the interim committees has met yet, but the members of all committees have been appointed. (See page 10 for legislative appointments to interim committees.)

Staffing assignments for the committees are also taking shape. Following the table below is a list of the staff assignments to each interim committee.

In addition to the interim studies assigned by the Legislative Council, each of the interim committees has a range of statutory duties and responsibilities, which can be found in Title 5, chapter 5, part 3, MCA, or, specifically for the Environmental Quality Council, in Title 75, chapter 1, part 3, MCA. The duties and responsibilities for other committees of the legislature that meet during the interim are contained in various chapters within Title 5, MCA.

Several interim committees are meeting in June to elect officer, review work plans, and adopt meeting schedules. More information will be provided in subsequent issues of **THE INTERIM**. In the meantime, call the LSD ((406) 444-3064) with any questions you may have regarding the poll, a particular study, or any of the interim committees.

| SUMMARY OF THE 2003-04 INTERIM STUDY POLL | | | |
|--|------------------------------|---|---|
| Rank | Res. No. (Points) | Study Topic/Description | Legislative Council Assignment |
| 1 | SJR 32 (938) | Study malpractice rates and tort reform | Legislative Council Subcommittee |
| 2 | HJR 3 (893) | Study child abuse and neglect proceeding representation | Children and Families |
| 3 | HJR 4 (882) | Study water management practices | Environmental Quality Council |
| 4 | SJR 17 (872) | Study simplification of work comp laws | Economic Affairs |
| 5 | SJR 31 (863) | Study elements of Montana's juvenile justice system regarding juvenile probation | Law and Justice |
| 6 | SJR 11 (847) | Study the problems of alcohol and drug abuse and of prevention, early intervention, and treatment | Children and Families |
| 7 | SJR 29 (835) | Study appraisal of centrally assessed property | Revenue and Transportation |
| 8 | HJR 43 (723) | Study the reclamation efforts at the Zortman and Landusky mine sites | Staff White Paper (EQC) |
| 9 | HJR 37 (685) | Study subdivision and platting act | Education and Local Government |
| 10 | HJR 35 (638) | Study state share of water under Yellowstone River Compact | Environmental Quality Council |
| 11 | HJR 40 (583) | Study effect of ponds on water use | Environmental Quality Council |
| 12 | HJR 8 (524) | Study drop-out issues with regard to Indian students | State-Tribal Relations |
| 13 | SJR 13 (520) | Study energy efficiency in re state building codes | Energy and Telecommunications |

INTERIM COMMITTEE STAFFING AND STUDY ASSIGNMENTS**CHILDREN, FAMILIES, HEALTH & HUMAN SERVICES COMMITTEE****Staffing**

Lead: Susan Fox, Research Analyst
 Attorney: Greg Petesch
 Secretary: TBA

Interim Study Assignment

HJR 3 -- Study child abuse and neglect proceeding representation
 SJR 11 -- Study the problems of alcohol and drug abuse and of prevention, early intervention, and treatment

ECONOMIC AFFAIRS COMMITTEE**Staffing**

Lead: Pat Murdo, Research Analyst
 Attorney: Bart Campbell
 Secretary: TBA

Interim Study Assignment

SJR 17 -- Study simplification of workers' compensation laws

EDUCATION AND LOCAL GOVERNMENT COMMITTEE**Staffing**

Lead: Connie Erickson, Research Analyst
 Attorney: Eddy McClure
 Secretary: TBA

Interim Study Assignment

HJR 37 -- Study subdivision and platting act

ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE**Staffing**

Lead: Mary Vandebosch, Research Analyst
 Attorney: Todd Everts
 Secretary: TBA

Interim Study Assignment

SJR 13 -- Study energy efficiency and conservation in state building codes

LAW AND JUSTICE INTERIM COMMITTEE**Staffing**

Lead: Sheri Heffelfinger, Research Analyst
 Attorney: Valencia Lane
 Secretary: TBA

Interim Study Assignment

SJR 31 -- Study elements of Montana's juvenile justice system regarding juvenile probation

REVENUE AND TRANSPORTATION COMMITTEE**Staffing**

Lead: Jeff Martin, Research Analyst
 Leanne Kurtz, Research Analyst
 Attorney: Lee Heiman
 Secretary: TBA

Interim Study Assignment

SJR 29 -- Study appraisal of centrally assessed property

STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE**Staffing**

Lead: Dave Bohyer, Research Director
 Attorney: John MacMaster
 Secretary: TBA

Interim Study Assignment

None

STATE/TRIBAL RELATIONS INTERIM COMMITTEE**Staffing**

Lead: Connie Erickson, Research Analyst
 Attorney: Eddy McClure
 Secretary: TBA

Interim Study Assignment

HJR 8 -- Study drop-out issues, especially with regard to Indian students

DISTRICTING AND APPORTIONMENT COMMISSION**Staffing**

Lead: Susan Fox, Research Analyst
 Attorney: John MacMaster

ENVIRONMENTAL QUALITY COUNCIL**Staffing**

Lead: Todd Everts, Legislative Environmental Analyst
 Larry Mitchell, Research Analyst
 Krista Lee Evans, Research Analyst
 Attorney: Todd Everts
 Secretary: TBA

Interim Study Assignment

HJR 4 -- Study water management practices
 HJR 43 -- Study the reclamation efforts at the Zortman and Landusky mine sites (white paper)
 HJR 35 -- Study state share of water under Yellowstone River Compact
 HJR 40 -- Study effect of ponds on water use

LEGISLATIVE COUNCIL**Staffing**

Lead: Lois Menzies, Executive Director
 Attorney: Greg Petesch, Legal Director
 Secretary: Dawn Field

Interim Study Assignment

SJR 32 -- Study medical malpractice rates for practitioners and facilities and medical tort reform

LEGISLATIVE FINANCE COMMITTEE**Staffing**

Lead: Clayton Schenck
 Attorney: Valencia Lane
 Secretary: Cindy Campbell

Interim Study Assignment

None assigned by Legislative Council



**INTERIM
CALENDAR**

UNLESS OTHERWISE SPECIFIED,
ALL ROOM DESIGNATIONS ARE IN THE CAPITOL BLDG.

JUNE

June 11, Economic Affairs Committee, Capitol Building, Room 137, 9:30 a.m.

June 13, Energy and Telecommunications, Capitol Building, Room 102, 10 a.m.

June 16, Environmental Quality Council, Capitol Building, Room 102, 1 p.m.

June 17, Environmental Quality Council, Capitol Building, Room 102, 8:30 a.m.

June 17, Legislative Audit Committee, Capitol Building, Room 137, 11 a.m.

June 20, Legislative Finance Committee, Capitol Building, Room 102, 9 a.m.

June 20, Revenue and Transportation Committee, Capitol Building, Room 102, 9 a.m.,
and Room 137 following joint meeting with the Legislative Finance Committee

